

PUBLIC VERSION

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Attorneys for defendants and counterclaimants
WESLEY MAYDER, ROMI MAYDER, SILICON
TEST SOLUTIONS LLC and SILICON TEST
SYSTEMS INC

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI MAYDER, an individual; WESLEY
MAYDER, an individual; SILICON TEST
SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF TIM C. HALE IN
SUPPORT OF DEFENDANTS' MOTION
TO COMPEL FURTHER
INTERROGATORY RESPONSES**

Date: October 21, 2008

Time: 10:00 a.m.

Before the Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007

Trial Date: December 8, 2008 (jury trial)

(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

Contains Material Designated

HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

Under Stipulated Protective Order

Document Filed Under Seal

1 I, Tim C. Hale, declare as follows:

2 1. I am an attorney in good standing before the State Bar of California and am admitted to
3 practice in this Court. I am a member of the law firm of Russo & Hale LLP, counsel for
4 Defendants in this matter. I make the statements herein of my personal knowledge, except where
5 stated on information and belief, which matters I believe to be true, and could and would
6 competently testify to the same if called as a witness.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of Verigy's responses to
8 Defendants' Third Set of Interrogatories, in which Verigy refuses to answer six of the
9 interrogatories on the basis that earlier interrogatories allegedly contained discrete subparts.

10 3. On Tuesday, September 10, 2008, the last day to bring a motion to compel, I sent
11 two separate emails to counsel for Verigy, asking if Verigy would change its position regarding
12 the subpart objections it had made and used to refuse to respond to the six interrogatories. As
13 part of that communication, I informed Verigy's counsel that Verigy was taking an inconsistent
14 position regarding the subparts objections it was making in response to Defendants'
15 interrogatories in relation to the position it was taking as to its own responses. I was able to
16 eventually speak with one of Verigy's attorneys, Colin McCarthy, about 4:15 p.m. I verbally
17 explained the issues to Colin, which were the same issues I had set forth in my email, and Colin
18 said he would look into the interrogatories where Verigy had made the subpart objection, but
19 understood that Defendants needed to file their motion, since Verigy was not presently willing to
20 concede the issue.

21 4. As noted above, Verigy has claimed that certain interrogatories propounded by
22 Defendants contain discrete subparts, and must be counted as multiple interrogatories, while at the
23 same time asserting in response to Defendants' interrogatory responses that far more compound
24 interrogatories must be counted as single interrogatories. Attached hereto as Exhibit 2 is a true and
25 correct copy of a letter from counsel for Verigy in which Verigy takes the position that certain of
26 its interrogatories are not compound (see pages 12, 14), in contradiction to the position it has taken
27 in order to avoid responding to six of Defendants' interrogatories.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing statements are true and correct and that this Declaration was entered into on September
3 10, 2008.

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5 /s/ Tim C. Hale
6 Tim C. Hale
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